

<p>Attorney or Party Name, Address, Telephone &amp; FAX Numbers, State Bar Number &amp; Email Address</p> <p><b>Tyson M. Takeuchi (SBN 177419)</b> <b>Law Offices of Tyson M. Takeuchi</b> <b>1055 Wilshire Blvd., Ste. 850</b> <b>Los Angeles, CA 90017</b> <b>Tel: (213) 637-1566</b> <b>Fax: (888) 977-6310</b> <b>Email: tyson@tysonfirm.com</b></p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: Lois Evette Reed</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1432 535"><p><b>FILED &amp; ENTERED</b></p><p><b>MAR 02 2022</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bolte DEPUTY CLERK</p></div>
<p><b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA –SANTA ANA DIVISION</b></p>	
<p>In re:</p> <p>Lois Evette Reed</p> <p>Debtor(s).</p>	<p>CASE NUMBER: 8:13-BK-13868-SC CHAPTER: 7</p> <p><b>ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</b></p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held DATE: TIME: COURTROOM: ADDRESS:</p>
<p><b>Creditor Holding Lien to be Avoided (name):</b> Portfolio Recovery Associates LLC</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☒ Notice of this Motion complied with LBR 9013-1(o).
  - a. ☒ There was no opposition and request for hearing.
  - b. ☐ Hearing requested and held as indicated in the caption.


"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.  
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

3. ☒ Motion granted as set forth in the **Attachment** to this order.
4. ☐ Motion denied on the following grounds: ☐ with prejudice ☐ without prejudice
- a. ☐ Insufficient notice
  - b. ☐ Insufficient evidence of the exempt status of the property in question
  - c. ☐ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
  - d. ☐ Insufficient evidence of fair market value.
  - e. ☐ Motion is incomplete.
  - f. ☐ Other (*specify*):
5. ☐ The court further orders as follows (*specify*):
- ☐ See attached page

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Date: March 2, 2022

  
Scott C. Clarkson  
United States Bankruptcy Judge

**ATTACHMENT TO MOTION/ORDER  
(11 U.S.C. § 522(f): AVOIDANCE OF REAL PROPERTY JUDICIAL LIENS)**

This court makes the following findings of fact and conclusions of law:

1. **Creditor Lienholder/Service:** Portfolio Recovery Associates LLC
2. **Subject Lien:** Date (*specify*): 9/20/2012 and place (*specify*): Orange County Recorder's Office of recordation of lien; Recorder's instrument number or document recording number: 2012000551421
3. **Collateral:** Street address, legal description and/or map/book/page number, including county of recording: 3648 E. Longridge Drive Orange, CA 92867. ☒ See attached page.

4. **Secured Claim Amount**

- a. Value of Collateral: ..... \$820,900
- b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):
  - (1) First lien: ..... (\$662,750.00)
  - (2) Second lien: ..... (\$152,316.00)
  - (3) Third lien: ..... (\$\_\_\_\_\_)
  - (4) Additional senior liens (*attach list*): ..... (\$\_\_\_\_\_)
- c. Amount of Debtor's exemption(s): ..... (\$6,272.00)
- d. Subtotal: ..... (\$821,338.00)
- e. Secured Claim Amount (negative results should be listed as -\$0-): ..... \$000.00

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid *pro rata* with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

5. **Lien avoidance:** Debtor's request to avoid the Subject Lien is granted as follows. The fixing of the Subject Lien impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(b). The Subject Lien is not a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations). The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

☐ See attached page(s) for more liens/provisions.

**ATTACHED PAGE (1 of 1 Pages):**

**3.0 Collateral (Continued):** Legal Description:

**PARCEL 1:**

Real property in the City of Orange, County of Orange, State of California, described as follows:

LOT 23 OF TRACT NO. 5671, AS SHOWN ON A MAP RECORDED IN BOOK 368, PAGES 27 TO 31 INCLUSIVE IN THE COUNTY RECORDER'S OFFICE OF SAID ORANGE COUNTY, CALIFORNIA.

NOTE: THE ABOVE MENTIONED MISCELLANEOUS MAP WAS AMENDED BY A CERTIFICATE OF CORRECTION AS PROVIDED FOR IN SECTION 66469 OF THE SUBDIVISION MAP ACT BY INSTRUMENT RECORDED APRIL 14, 1976 IN BOOK 11704, PAGE 1730 OF OFFICIAL RECORDS WHICH SETS FORTH AS FOLLOWS:

"THE DISTANCE OF 170.88 FEET IS HEREBY ADDED TO THAT CERTAIN COURSE SHOWN ON SAID MAP AS NORTH 10 DEG. 17' 00" EAST ALONG THE COMMON LOT LINE OF LOTS 39 AND 100 OF SAID TRACT NO. 5671."

EXCEPTING THEREFROM ALL RIGHT, TITLE AND INTEREST IN AND TO ALL OIL, NAPHTHA, GAS, PETROLEUM AND OTHER MINERAL SUBSTANCES (OTHER THAN WATER) DEPOSITED IN, LYING, UNDER, FLOWING THROUGH OR THAT MAY BE PRODUCED FROM SAID LAND; PROVIDED, HOWEVER, THAT NO RIGHT IS RESERVED TO THE GRANTORS, THEIR SUCCESSORS OR ASSIGNS, TO ENTER THE SURFACE OF SAID PROPERTY OR SUBSURFACE THEREOF AT ANY POINT ABOVE A DEPTH OF 500 FEET FROM THE SURFACE THEREOF (MEASURED VERTICALLY FROM THE SURFACE THEREOF) AS RESERVED IN THE DEED FROM LORA GARDNER AND HELEN LOWEY, RECORDED AUGUST 20, 1964 IN BOOK 7186, PAGE 236, AND RECORDED AUGUST 20, 1964 IN BOOK 7185, PAGE 698 OF OFFICIAL RECORDS AND IN OTHER DEEDS OF RECORD.

APN: 372-665-03

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